C. B. II No. 208

JOINT COMMITTEE ON OFFICES OF PROFIT

SECOND REPORT

(FOURTH LOK SABHA)

(Presented on the 11th March, 1968)

LOK SABHA SECRETARIAT
NEW DELHI
March, 1968
Phalguna, 1889 (Saka)
Price : Rs. 0.25 p.

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JOINT COMMITTEE ON OFFICES OF PROFIT

(Fourth Lok Sabha)

COMPOSITION OF THE JOINT COMMITTEE

CHAIRMAN

Shri S. R. Rane

MEMBERS

Lok Sabha

2. Shri Nathu Ram Aherwar
3. Raja Kamakhya Prasad Singh Deo Mahindra Bahadur
4. Shri Jagannathrao Joshi
5. Shri Srinibas Mishra
6. Shri K. Narayana Rao
7. Shri Dwaipayan Sen
8. Shri Ramavatar Shastri
9. Shri Ramshekhar Prasad Singh
10. Shri Maddi Sudarsanam

Rajya Sabha

11. Shri Sunder Singh Bhandari
12. Shri Lokanath Misra
13. Shri Narayan Patra
14. Shri Biren Roy
15. Shri H. V. Tripathi.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

REPORT OF THE JOINT COMMITTEE

I

INTRODUCTION

I, the Chairman of the Joint Committee on Offices of Profit, having been authorised by the Committee to present the Report on their behalf, present this Second Report of the Committee.

2. Subsequent to the presentation of the First Report to the House on the 23rd November, 1967, the Committee held 4 sittings* on the 19th December, 1967, 25th and 27th January and 23rd February, 1968 and considered 26 memoranda regarding composition and character etc. of the 'Committees' constituted by the Central and State Governments and the emoluments and allowances payable to their members.

3. Detailed information regarding the composition, character and functions etc. of the 'Committees' and emoluments and allowances payable to their members was furnished by the respective Ministries/ Departments of the Central and State Governments on requests made by the Lok Sabha Secretariat.

4. The Committee considered and adopted the Report on the 23rd February, 1968.

5. The recommendations of the Committee in respect of the Committees boards etc., examined by them are given in the succeeding paragraphs.

II

COMMITTEES, BOARDS ETC. APPOINTED BY CENTRAL AND STATE GOVERNMENTS

6. The Committee note that the non-official Directors including the part-time Chairman, serving on the Board of Directors of Hindustan Zinc Ltd., are entitled to get remuneration which is more than the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. As such, even Directorship of the company ought to disqualify.

7. The Committee also observe that the non-official members serving on the Textiles Committee, Bombay are entitled to get T.A./D.A.

*Minutes of the sittings form part of the Report and are at Appendix II, pages 6-11

which is more than the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. As such, the Chairmanship, Membership or Secretaryship of the Textiles Committee ought to disqualify.

8. In regard to the Goa, Daman and Diu Managing Committee for the Management and Administration of Special Fund for Reconstruction and Rehabilitation of Ex-Servicemen, the Committee feel that the members thereof exercise financial powers and wield influence inasmuch as the Managing Committee is responsible for the management and administration of the Special Fund and for granting scholarships, stipends etc. to Ex-Servicemen. As such, the Committee are of the opinion that the Chairman and Secretary of the Managing Committee ought not to be exempted from disqualification and this body ought to be included in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

9. The Committee also note that the non-official members of the State Transport Authority, Goa are entitled to get T.A./D.A. which is less than the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. But as the members exercise executive powers and discharge quasi-judicial functions under the provisions of the Motor Vehicles Act, 1939, the Chairman and Secretary of the State Transport Authority ought not to be exempted from disqualification. As such, the Committee recommend the inclusion of this body in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

10. The Committee are of the view that the composition, character and functions of the Committees, Councils, Boards etc. specified in Appendix I are such that their Chairmanship, Secretaryship or Membership ought not to disqualify.

III

IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMITTEE

11. In para 20 of their First Report, the Committee had desired that a draft Bill based on the recommendations of the Joint Committee contained in their earlier Reports ought to be introduced in Parliament as expeditiously as possible. The Bill was expected to be introduced during the Third Session of the Fourth Lok Sabha. But

as it was not done, the Committee took up the matter with the Ministry of Law who have now *inter alia* stated as below:

> "It cannot be stated with any certainty whether it would be possible to introduce the Bill in the current Session."

The Committee regret to observe that the proposed Bill could not be finalised so far. They trust that Government would now take immediate action to introduce the proposed legislation during the next Session of the House, so that with the expanding activities of the State in the various spheres, the concept of office of profit is defined and there is no ambiguity left in this behalf.

S. R. RANE,
Chairman,
Joint Committee on Offices of Profit.

NEW DELHI;
The 23rd February, 1968.

APPENDIX I

(*Vide* para 10 of the Report)

Committees, Boards etc. whose Chairmanship, Secretaryship or Membership ought not to disqualify

UNDER CENTRAL GOVERNMENT

1. Central Board of Film Censors.

2. Central Council of Ayurvedic Research.

3. Explosives Committee.

4. Homoeopathic Advisory Committee.

5. Indian National Committee of the International Association for the exchange of Students for Technical Experience.

6. Indian Railway Equipment Advisory Committee.

7. Jute Goods Export Promotion Advisory Committee.

8. Jute Textiles Consultative Board.

9. Mica Committee.

10. National Cooperative Development Corporation.

11. National Council of Science Education.

12. Panel on Forestry Education.

13. Public Relations Committee of the National Defence Council.

14. Unani Advisory Committee.

15. Yoga Research Advisory Committee.

UNDER STATE GOVERNMENTS

Kerala

1. Managing Committee of the Sreemoolam Shastiabdapurthy Memorial Institute, Trivandrum.

2. Project Advisory Committees for Alleppey and Kozhikode.

3. Project Advisory Committee for Pilot Intensive Development Project, Neyyattinkara.

West Bengal

Calcutta Police Poor Box Fund

Union Territory of Goa, Daman and Diu.

1. Committee for the Rehabilitation of Political Sufferers.
2. Goa, Daman and Diu Soldiers', Sailors' and Airmen's Board.

APPENDIX II

MINUTES OF JOINT COMMITTEE ON OFFICES OF PROFIT

I

Seventh Sitting

The Committee met on Tuesday, the 19th December, 1967 from 16.00 to 16.35 hours.

PRESENT

Shri S. R. Rane—*Chairman*

MEMBERS

Lok Sabha

2. Raja Kamakhya Prasad Singh Deo Mahindra Bahadur
3. Shri Jagannathrao Joshi
4. Shri Ramavatar Shastri
5. Shri Ramshekhar Prasad Singh
6. Shri Maddi Sudarsanam

Rajya Sabha

7. Shri Narayan Patra
8. Shri Biren Roy
9. Shri H. V. Tripathi.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered in passing the various decisions of the High Courts and Supreme Court having a bearing on the words "holds any office of profit under the Government" occuring in Article 102(1) (a) of the Constitution. The Committee noted in particular the recent judgment of the High Court of Punjab and Haryana in the case of *Umrao Singh* vs *Darbara Singh and others* holding that the Chairman of the Panchayat Samiti who was being paid a consolidated allowance of Rs. 100 per mensem did not hold an office of profit under the State of Punjab.

3. The Committee then discussed the future programme of their work and decided to meet next on Thursday and Saturday, the 25th and 27th January, 1968 at 11.00 and 15.00 hours, respectively.

4. The Committee then adjourned.

II

Eighth Sitting

The Committee met on Thursday, the 25th January, 1968 from 11.00 to 12.15 hours.

PRESENT

Shri S. R. Rane—*Chairman*

MEMBERS

Lok Sabha

2. Raja Kamakhya Prasad Singh Deo Mahindra Bahadur
3. Shri Jagannathrao Joshi
4. Shri Srinibas Mishra
5. Shri Dwaipayan Sen
6. Shri Ramavatar Shastri
7. Shri Ramshekhar Prasad Singh

Rajya Sabha

8. Shri Sunder Singh Bhandari
9. Shri Lokanath Misra
10. Shri Narayan Patra
11. Shri Biren Roy
12. Shri H. V. Tripathi.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee took up for consideration Memoranda Nos. 54 to 79 relating to the various Committees/bodies constituted by the Central and State Governments.

3. The Committee were of the opinion that the composition and character of the following Committees/bodies were such that the Chairmanship or Secretaryship or Membership thereof ought not to disqualify:—

1. Central Board of Film Censors (Ministry of Information and Broadcasting).

2. Central Council of Ayurvedic Research (Ministry of Health, Family Planning and Urban Development).

3. Explosives Committee (Ministry of Steel, Mines and Metals).

4. Homoeopathic Advisory Committee (Ministry of Health, Family Planning and Urban Development).

5. Indian National Committee of the International Association for the exchange of Students for Technical Experience. (Ministry of Education).

6. Indian Railway Equipment Advisory Committee (Ministry of Railways).

7. Jute Goods Export Promotion Advisory Committee (Ministry of Commerce).

8. Jute Textiles Consultative Board (Ministry of Commerce).

9. Mica Committee (Ministry of Steel, Mines and Metals).

10. National Cooperative Development Corporation (Ministry of Food, Agriculture, Community Development and Cooperation).

11. National Council of Science Education (Ministry of Education).

12. Panel on Forestry Education (Ministry of Food, Agriculture, Community Development and Cooperation).

13. Public Relations Committee of the National Defence Council (Ministry of Home Affairs).

14. Unani Advisory Committee (Ministry of Health, Family Planning and Urban Development).

15. Yoga Research Advisory Committee (Ministry of Health, Family Planning and Urban Development).

16. Calcutta Police Poor Box Fund (West Bengal).

17. Committee for the Rehabilitation of Political Sufferers. (Union Territory of Goa, Daman and Diu).

18. Goa, Daman and Diu Soldiers' Sailors' and Airmen's Board (Union Territory of Goa, Daman and Diu).

19. Managing Committee of the Sreemoolam Shastiabdapurthy Memorial Institute, Trivandrum (Kerala).

20. Project Advisory Committees for Alleppey and Kozhikode (Kerala).

21. Project Advisory Committee for Pilot Intensive Development Project Neyyattinkara (Kerala).

4. The Committee noted that the non-official Directors including the part-time Chairman, serving on the Board of Directors of Hindustan Zinc Ltd. (Memo. No. 75), were entitled to get remuneration which was more than the 'Compensatory allowance' as defined in the Parliament (Prevention of Disqualification) Act, 1959 and as such even Directorship of the Company ought to disqualify.

5. The Committee deferred consideration of Memoranda Nos. 76 to 79 to their next sitting.

6. The Committee then adjourned to meet again on Saturday, the 27th January, 1968 at 16.00 hours.

III

Ninth Sitting

The Committee met on Saturday, the 27th January, 1968 from 16.00 to 17.05 hours.

PRESENT

Shri S. R. Rane—*Chairman*

MEMBERS

Lok Sabha

2. Shri Nathu Ram Aherwar
3. Raja Kamakhya Prasad Singh Deo Mahindra Bahadur
4. Shri Jagannathrao Joshi
5. Shri Srinibas Mishra
6. Shri Dwaipayan Sen
7. Shri Ramavatar Shastri

Rajya Sabha

8. Shri Sunder Singh Bhandari
9. Shri Lokanath Misra
10. Shri Narayan Patra
11. Shri Biren Roy
12. Shri H. V. Tripathi.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee took up consideration of Memoranda Nos. 76 to 79 relating to the various Committees/bodies constituted by the Central and State Governments.

3. The Committee noted that the non-official members serving on the Textiles Committee, Bombay (Memo. No. 76) were entitled to get T.A./D.A. which was more than the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. As such, the Chairmanship, Membership or Secretaryship of the Textiles Committee ought to disqualify.

4. The Committee postponed consideration of Memo. No. 77 relating to the Board of Review of Publications, West Bengal till the receipt of further information from the State Government regarding the nature of services rendered by the Chairman and other two non-official members, in consideration of which the Chairman and the two non-official members were paid a monthly honorarium of Rs. 250/ and Rs. 400/- and Rs. 200/- respectively.

5. The Committee felt that the members of the Goa, Daman and Diu Managing Committee for the Management and Administration of Special Fund for Reconstruction and Rehabilitation of Ex-Servicemen, (Memo. No. 78) exercised financial powers and wielded influence inasmuch as the Committee was responsible for the management and administration of the Special Fund and for granting scholarships, stipends etc. to Ex-Servicemen. As such, the Chairman and Secretary of the Managing Committee ought not to be exempted from disqualification and the Committee decided to recommend the inclusion of this body in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

6. The Committee noted that the non-official members of the State Transport Authority, Goa (Memo. No. 79) were entitled to get T.A./D.A. which was less than the 'compensatory allowance' as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act, 1959. But as the members exercised executive powers and discharged quasi-judicial functions under the provisions of the Motor Vehicles Act, 1939, the Chairman and Secretary of the State Transport Authority ought not to be exempted from disqualification. As such, the Committee decided to recommend the inclusion of this body in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

7. The Committee desired that the Ministry of Law might be asked to intimate the latest position regarding the implementation of the recommendations made by Joint Committee on Offices of Profit in their earlier Reports and whether the proposed Bill based on those recommendations was likely to be introduced during the next session of Parliament.

8. The Committee then adjourned.

IV

Tenth Sitting

The Committee met on Friday, the 23rd February, 1968 from 16.00 to 17.00 hours.

PRESENT

Shri S. R. Rane—*Chairman*

MEMBERS

Lok Sabha

2. Raja Kamakhya Prasad Singh Deo Mahindra Bahadur
3. Shri Srinibas Mishra
4. Shri K. Narayana Rao
5. Shri Dwaipayan Sen
6. Shri Ramavatar Shastri
7. Shri Maddi Sudarsanam

Rajya Sabha

8. Shri Narayan Patra

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their Draft Second Report and adopted it without amendment.

3. The Committee decided that the Report might be presented to Lok Sabha on Monday, the 11th March, 1968 and laid on the Table of Rajya Sabha on the same day.

4. The Committee authorised the Chairman and, in his absence, Shri Dwaipayan Sen to present the Report to Lok Sabha on their behalf.

5. The Committee authorised Shri Lokanath Misra and, in his absence, Shri Biren Roy to lay the Report on the Table of Rajya Sabha.

6. The Committee then adjourned.

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition) and printed by the General Manager, Government of India Press, Minto Road, New Delhi.